

REMARKS

Claims 1-7 and 9-14 are pending in this application. By this Amendment, claims 5, 9 and 11 are amended. No new matter is added by these amendments. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The courtesies extended to Applicants' representative by Examiner Hodge at the interview held October 10, 2007, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

The Office Action rejects claims 5-7 and 9-12 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 5, 9 and 11 are amended to obviate the rejection. Accordingly, Applicants respectfully request reconsideration and withdrawal of the §112, first paragraph, rejection.

The Office Action rejects claims 5-7 and 9-12 under 35 U.S.C. §103(a) under U.S. Patent No. 6,106,965 to Hirano in view of U.S. Patent No. 6,007,933 to Jones and U.S. Patent No. 6,500,217 to Starz. Additionally, the Office Action provisionally rejects claims 5, 9 and 11 on the grounds of nonstatutory obviousness type double-patenting as being unpatentable over claim 1 of co-pending U.S. Patent Application No. 10/791,719. Applicants respectfully traverse these rejections.

The Office Action asserts that the combination of applied references teach all of the features recited in independent claims 5, 9 and 11. However, the combination of the applied references do not teach, or would have suggested, a method of manufacturing a fuel cell including at least "a first porous carbon supporting member," as recited in claim 5 and similarly in claims 9 and 11.

The Office Action relies on Starz to teach the feature of carbon as a support material. Starz, in col. 1, lines 59 and 60, teaches that fine particle size carbon blacks have proved suitable as support materials. However, Starz does not teach or suggest using porous carbon as a supporting member, as recited in claims 5, 9 and 11.

Hirano and Jones fail to disclose or suggest the above feature and therefore, fail to make up for the above-noted deficiencies of Starz.

For at least the reasons above, the applied references cannot reasonably be considered to teach or suggest all of the features recited in at least independent claims 5, 9 and 11. Further, claims 6, 7, 10 and 12-14 would also not have been suggested by the applied references for at least the respective dependency of these claims on allowable claims 5, 9 and 11, respectively, as well as for the separately patentable subject matter that each of these claims recite.

Accordingly, reconsideration and withdrawal of the rejection of claims 5-7 and 9-14 under 35 U.S.C. §112, first paragraph and §103(a) are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-7 and 9-14 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Request for Continued Examination

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